

#107

Late Backup

Zoning Case No. C14-2008-0224

RESTRICTIVE COVENANT

OWNER: Cathyville, Ltd., a Texas limited partnership

ADDRESS: P.O. Box 341329, Lakeway, Texas 78734

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.813 acre tract of land, more or less, out of the William Frampton Survey, Abstract No. 230, in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 2.550 acre tract of land, more or less, out of the William Frampton Survey, Abstract No. 230, in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Hours of operation for a commercial or business use are from 7:00 a.m. to 10:00 p.m. daily.
2. Landscaped vegetative buffers along internal property lines abutting residentially developed property, as generally depicted on Exhibit "C" (Landscape Plan) will be provided and maintained on the Property.
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

Late Backing

- 5. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 6. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2010.

OWNER:

**Cathyville, Ltd.,
a Texas limited partnership**

By: _____
William B. Pohl,
its General Partner

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2010, by William B. Pohl, General Partner, of Cathyville, Ltd., a Texas limited partnership, on behalf of the limited partnership.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal

3DS
THREE DIMENSIONAL SERVICES
SHIPPING ADDRESS:
10703 Sierra Oaks
Austin, Texas 78759

3DS, Inc.
Land Surveyors

G.P.S. Services
Subdivisions • Topographic
Construction • Commercial • Boundaries

MAILING ADDRESS:
P.O. Box 202816
Austin, Texas 78720
(512) 919-4140
Fax (512) 919-4142
www.3DSinc.com

EXHIBIT A

METES AND BOUNDS DESCRIPTION

1.813 ACRES OF LAND BEING THE RESIDUAL OF 16.053 ACRES AS RECORDED IN VOLUME 870 PAGE 1 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, ALSO DESCRIBED AS WOODLANDS AT LAKE CREEK AS RECORDED IN CABINET BB SLIDE 96 IN THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 1.813 ACRES BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS;

BEGINNING at an iron rod found at the most Northern corner of the said 4.770 acres, point being on the Western right-of-way of Highway 183, point being the most Southeast corner of that certain Lot 1, The Woods of Anderson Mill, a Subdivision in Williamson County, Texas, point being the **POINT-OF-BEGINNING** of the herein described tract of land;

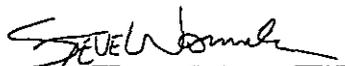
Thence S11°46'12"E following the said Western right-of-way of Highway 183 for a distance of 387.94 feet to an iron rod found for the most eastern corner of the said 4.770 acres, point being the Northern corner of Lot 25 of Acres West, a subdivision recorded in cabinet B slide 45 in the official public records of Williamson County, Texas;

Thence S78°17'46"W following the common property line of the said Acres West Subdivision for a distance of 29.75 feet to an iron pipe found;

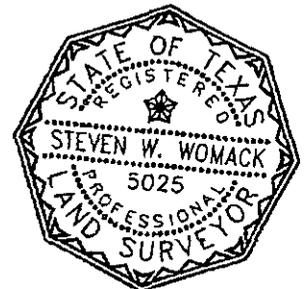
Thence S34°53'00"W for a distance of 259.24 feet to a point on the northeast line of Lot 21 of the said Acres West Subdivision;

Thence N11°46'12"W traversing across the referenced "residual" tract a distance of 360.03 feet to a point on the southeast line of Lot 4, in the said Woods of Anderson Mill Subdivision, for the northwest corner of the herein described tract;

Thence N34°54'44"E for a distance of 300.00 feet to the **POINT OF BEGINNING** containing 1.813 acres of land, more or less.


Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

01-27-2010
Date



SCANNED

EXHIBIT B

METES AND BOUNDS DESCRIPTION

2.550 ACRES OF LAND BEING THE RESIDUAL OF 16.053 ACRES AS RECORDED IN VOLUME 870 PAGE 1 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, ALSO DESCRIBED AS WOODLANDS AT LAKE CREEK AS RECORDED IN CABINET BB SLIDE 96 IN THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 2.550 ACRES BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS;

BEGINNING at a calculated point on a rock fence column at the northeast corner of Lot 1, Woodlands at Lakecreek Subdivision, point being also the southwest corner of the above referenced tract and the **POINT-OF-BEGINNING** of the herein described tract of land;

Thence N55°07'49"W for a distance of 262.19 feet to an iron rod found on the southeast line of Lot 13, in the Woods of Anderson Mill Subdivision, for the northwest corner of the herein described tract;

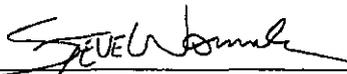
Thence N34°51'51"E for a distance of 337.31 feet to an iron pipe found;

Thence N34°54'44"E for a distance of 210.26 feet to a calculated point, for the northeast corner of the herein described tract;

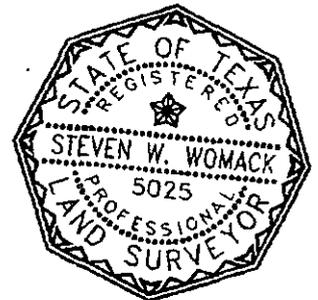
Thence S11°46'12"E traversing across the referenced "residual" tract a distance of 360.03 feet to a point on the northeast line of Lot 21 of the said Acres West Subdivision;

Thence S34°53'00"W for a distance of 56.46 feet to an iron rod found at the northeast corner of Lot 20 of the said Acres West Subdivision;

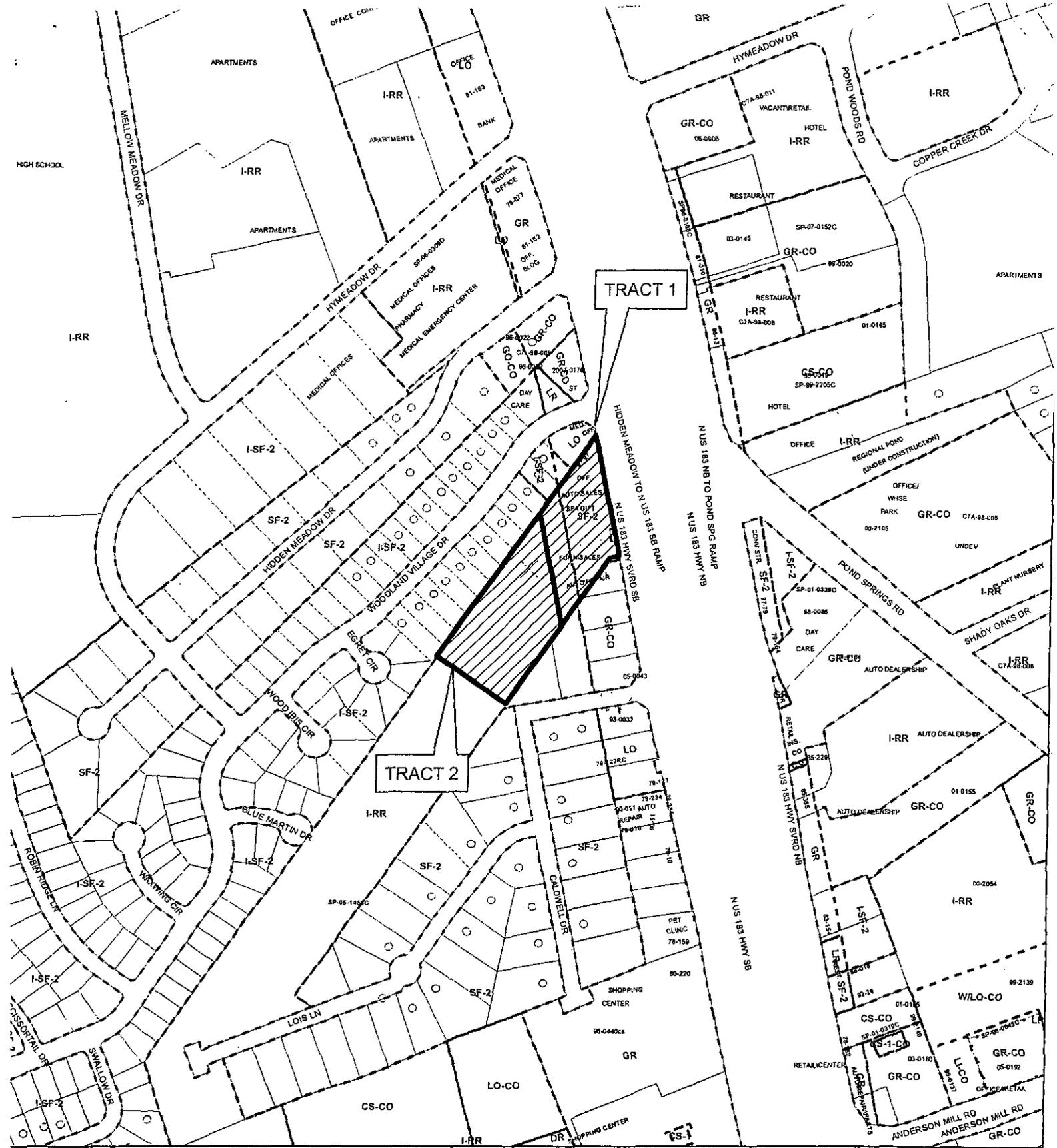
Thence S34°47'44"W for a distance of 243.92 feet to the **POINT OF BEGINNING** containing 2.550 acres of land, more or less.


Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

01-27-2010
Date



SCANNED



TRACT 1

TRACT 2

ZONING EXHIBIT C



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0224
 ADDRESS: 13642 RESEARCH BLVD
 SUBJECT AREA: 4.363 ACRES
 GRID: F38
 MANAGER: STEPHEN RYE



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A

METES AND BOUNDS DESCRIPTION

1.813 ACRES OF LAND SITUATED IN THE WILLIAM FRAMPTON SURVEY, ABSTRACT No. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE 4.363 ACRE REMAINDER OF A 16.053 ACRE TRACT OF LAND CONVEYED TO CATHYVILLE, LTD., BY INSTRUMENT OF RECORD DATED FEBRUARY 23, 1982, RECORDED IN VOLUME 870, PAGE 1 ON MARCH 17, 1982 IN THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAVE & EXCEPT THAT CERTAIN 0.504 ACRE PORTION THEREOF CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD DATED AUGUST 15, 1991, RECORDED IN VOLUME 2088, PAGE 304, ON DECEMBER 19, 1991 IN THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.363 ACRE TRACT BEING ALSO DESCRIBED AS THE "RESIDUAL" TRACT ON THE WOODLANDS AT LAKE CREEK, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, DATED NOVEMBER 21, 2005, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET BB SLIDES 96-98, ON DECEMBER 16, 2005 IN THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 1.813 ACRES BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS;

BEGINNING at an iron rod found at the most northern corner of the said 4.363 acre tract, point being on the western right-of-way of Highway 183, point being the most southeast corner of that certain Lot 1, Block B, The Woods of Anderson Mill, a subdivision in Williamson County, Texas, recorded in Cabinet C, Slide 133, in the Official Public Records of Williamson County, Texas, point being the **POINT-OF-BEGINNING** and most northern corner of the herein described tract of land;

Thence S11°46'12"E following the said western right-of-way of Highway 183 for a distance of 387.94 feet to an iron rod found for the most eastern corner of the said 4.363 acres, point being the northern corner of Lot 25, Block A, Acres West, a subdivision in Williamson County, Texas, recorded in cabinet B slide 45, OPRWC, for the southeast corner of the herein described tract;

Thence S78°17'46"W following the common property line of the said Acres West Subdivision for a distance of 29.75 feet to an iron pipe found, for an interior ell corner of the herein described tract;

Thence S34°53'00"W continuing with the said common property line of the said Acres West Subdivision for a distance of 259.24 feet to a point on the northeast line of Lot 21, Block A of the said Acres West Subdivision, for the southwest corner of the herein described tract;

Thence N11°46'12"W traversing across the referenced "residual" tract a distance of 360.03 feet to a point on the southeast line of Lot 4, Block B of the said Woods of Anderson Mill Subdivision, for the northwest corner of the herein described tract;

Thence N34°54'44"E continuing with the said common property line of the said Woods of Anderson Mill Subdivision for a distance of 300.00 feet to the **POINT OF BEGINNING** containing 1.813 acres of land, more or less.



Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

06-16-2010
Date



Exhibit B

METES AND BOUNDS DESCRIPTION

2.550 ACRES OF LAND SITUATED IN THE WILLIAM FRAMPTON SURVEY, ABSTRACT No. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE 4.363 ACRE REMAINDER OF A 16.053 ACRE TRACT OF LAND CONVEYED TO CATHYVILLE, LTD., BY INSTRUMENT OF RECORD DATED FEBRUARY 23, 1982, RECORDED IN VOLUME 870, PAGE 1 ON MARCH 17, 1982 IN THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAVE & EXCEPT THAT CERTAIN 0.504 ACRE PORTION THEREOF CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD DATED AUGUST 15, 1991, RECORDED IN VOLUME 2088, PAGE 304, ON DECEMBER 19, 1991 IN THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.363 ACRE TRACT BEING ALSO DESCRIBED AS THE "RESIDUAL" TRACT ON THE WOODLANDS AT LAKE CREEK, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, DATED NOVEMBER 21, 2005, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET BB SLIDES 96-98, ON DECEMBER 16, 2005 IN THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 2.550 ACRES BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS;

BEGINNING at a calculated point on a rock fence column at the northeast corner of Lot 1, Woodlands at Lakecreek, a subdivision in Williamson County, Texas, recorded in Cabinet BB, Slides 96-98, in the Official Public Records of Williamson County, Texas, point being also the southwest corner of the above referenced 4.363 acre tract and the **POINT-OF-BEGINNING** and southwest corner of the herein described tract of land;

Thence N55°07'49"W following the common property line of the said Woodlands of Lakecreek Subdivision for a distance of 262.19 feet to an iron rod found on the southeast line of Lot 13, Block B, The Woods of Anderson Mill, a subdivision in Williamson County, Texas, recorded in Cabinet C, Slide 133, in the Official Public Records of Williamson County, Texas, for the northwest corner of the herein described tract;

Thence N34°51'51"E following the common property line of the said Woods of Anderson Mill Subdivision for a distance of 337.31 feet to an iron pipe found on the north line of the herein described tract;

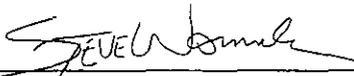
Thence N34°54'44"E continuing with the common property line of the said Woods of

Anderson Mill Subdivision for a distance of 210.26 feet to a calculated point on the southeast line of Lot 4, Block B of the said Woods of Anderson Mill Subdivision, for the northeast corner of the herein described tract;

Thence S11°46'12"E traversing across the referenced "residual" tract a distance of 360.03 feet to a point on the northeast line of Lot 21, Block A of the said Acres West Subdivision, for the southeast corner of the herein described tract;

Thence S34°53'00"W following the common property line of the said Acres West Subdivision for a distance of 56.46 feet to an iron rod found at the northeast corner of Lot 20, Block A of the said Acres West Subdivision, for a point on the south line of the herein described tract;

Thence S34°47'44"W continuing with the common property line of the said Acres West Subdivision for a distance of 243.92 feet to the **POINT OF BEGINNING** containing 2.550 acres of land, more or less.



Steven W. Womack
Registered Professional Surveyor
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